

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 03-CR-10356-MLW**

**UNITED STATES**

**VS.**

**FREDERICK A. SIMONE,  
a/k/a FREDDY, a/k/a  
THE NEIGHBOR,**

**VINCENT C. GIOCCHINI,  
a/k/a DEE DEE; and**

**FRANCIS WHITE, a/k/a  
THE WHITE-HAIRED GUY**

**AFFIDAVIT IN SUPPORT OF  
MOTION TO FOR EXTENSION OF TIME TO FILE REPLIES TO  
GOVERNMENT'S FILINGS, MOTION TO CONTINUE INITIAL HEARING RE:  
DEFENDANT'S MOTION RE: FRANKS HEARING AND TO COMPEL  
DISCLOSURE OF INFORMANT STATUS OF TARGETS**

I, Kevin J. Reddington, Esq., being first duly sworn, depose and say that;

- 1.) I represent the defendant, Frederick Simone.
- 2.) I received on Friday, December 3, 2004 the government's opposition to defendant's motion to suppress numbered I-III and request for Franks hearing.
- 3.) The government's opposition is 83 pages with an additional 60 pages or more annexed.
- 4.) This case is scheduled for a hearing on December 16, 2004 before Hon. Mark Wolf.

- 5.) Defense counsel is under an order to file any reply by December 10, 2004 assuming counsel received the government's opposition on November 30<sup>th</sup> and no later than December 3<sup>rd</sup>.
- 6.) On November 15, 2004 defense counsel impaneled a jury on the first degree murder case of Commonwealth vs. Jason Cabrera which reached jury verdict on November 22<sup>nd</sup>.
- 7.) Subsequently counsel has appeared in Salem Superior Court on motions on a murder case as well as New Bedford Superior Court on motions on a murder case and has appeared in United States District Court on the matter of United States vs. Michael Vinal, #03-10354-PBS which is scheduled to impanel in front of the Hon. Patti Saris on December 13, 2004 on a trial expected to take 3-4 days on a 9:00 –1:00 basis to reach jury verdict.
- 8.) The allegations against Michael Vinal suggest that the defendant did threaten, tamper with and interfere with a federal witness on a massive investigation against a construction company dealing with federal contracts. As recently as last week counsel was advised that there are approximately "6 boxes" of materials that counsel must review prior to the trial and I have contacted the Department of Transportation in an effort to block out time to review the six boxes of materials. In the interim, as indicated, I appeared in Salem Superior Court, New Bedford Superior Court as well as Brockton Superior Court on motion hearings on various cases and on Tuesday, December 7, 2004 will be in Brockton Superior Court on 14 cases.

- 9.) As a result it does not appear as though I will be able to review the six boxes of material, interview witnesses and be ready for trial on the Vinal case on December 13, 2004 while attempting to review the thousands of pages of materials in an effort to effectively respond to the government's consolidated opposition on the Simone case.
- 10.) As a result, I am requesting that this Court grant a two week or more continuance on the filing of the opposition and hearing on

the Simone matter or for whatever relief the Court deems appropriate.

Signed under the pains and penalties of perjury this 6<sup>th</sup> day of December,  
2004.

/s/ Kevin J. Reddington, Esq.